
Appeal Decision

Site visit made on 14 June 2016

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 June 2016

Appeal Ref: APP/Q1445/D/16/3146586
5 Portland Avenue, Hove BN3 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Coastal Management Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04158, dated 17 November 2015, was refused by notice dated 14 January 2016.
 - The development proposed is rear single storey extension and loft conversion with side dormer and roof lights.
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Decision

1. I dismiss the appeal insofar as it relates to the side dormer. I allow the appeal insofar as it relates to the rear single storey extension and rear roof lights and planning permission is granted for rear single storey extension and roof lights at 5 Portland Avenue, Hove BN3 5NP in accordance with the terms of the application, Ref BH2015/04158, dated 17 November 2015, and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Main Issue

2. This is the effect of the development on the character and appearance of the existing building and the wider area.

Reasons

3. Whilst the application included the rear extension and the rear roof-lights, the Council's Report and Decision Notice makes clear that the objection is to the side dormer only. The proposal was described as partly retrospective on the Notice of Refusal, but at the time of the site inspection it appeared that the works were now complete.
 4. The rear extension takes the rear building line to only slightly beyond that of an adjoining extension at the neighbouring house on that side, number 7, and would remain within a 45° line drawn from the nearest window. It squares-off an existing rear projection and appears well integrated and to not cause harm to the street scene, the existing building or the amenities of neighbours. There does not appear any reason to withhold permission for this aspect of the proposed development having regard to Policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*'. As the development is now complete and in use,
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there is no need for any of the three conditions suggested by the Council in the Questionnaire, and in particular, the standard condition naming the drawings in the interest if the proper planning of the area is not required as that is to allow flexibility in permissions exercisable prior to commencement.

5. Turning to the roof-lights, only the rear pair are included in the application as noted by the Council, and on visiting it was apparent that they are placed in a more pleasing arrangement than is apparent from the drawings, since there is an area of roof tiling between them. A view taken from the top floor through the roof-lights shows that there are no planning concerns on overlooking and the effect from ground level such as in Woodhouse Road, a side road to the north of the neighbouring number 7, is acceptable, being minor additions to the roof and placed in an acceptable relationship with the other architectural features. Here again the proposal accords with policy and guidance, and permission may be granted with no need for conditions.
6. That leaves the side dormer, which is the item objected to by the Council and to which Policy QD14 and Supplementary Planning Document are also pertinent. The policy states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development meets various requirements on design, siting and layout in relation to the property and surroundings. The supplementary planning document adds detail over the importance of considering semi-detached pairs of dwellings, as here, and gives an example which should not be taken as being the only arrangement that might be harmful, although it is noted that just such an example is in place on the opposite side of the road, of a imbalance with the original hip at one end and a full gable at the other.
7. The dormer is large and placed in a prominent position seen from Portland Avenue and on approaching from both side roads. Contrary to what is shown on the elevation drawings, the roof slope of the pitch over the dormer does not match that of the main front roof, although the correct arrangement is shown on the roof plan. The effect is of leaving an unattractive area of flashing and tiling, which appears unresolved and jarring on the front elevation in this prominent position. The structure is too close to the eaves and appears as a dominant feature of the roof slope and hence the semi-detached house, and detracts from the pair of dwellings and the street scene, as sought to be avoided by the supplementary planning document.
8. The appellant is of the view that the dormer is necessary to achieve a second floor and points to the need for housing accommodation in the area. It is apparent that in order to place the stairway over the existing flight, there would be a possibility of having to breach the roofline for headroom but it was not clear at the site inspection that this would necessarily lead to a dormer of such large and dominant proportions. That which is in place fails to accord with the Policy QD14 requirement to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; and would not follow the guidance that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof.

9. As requested a view was taken of a number of other properties in reasonably close proximity to the appeal site, and as set out in the appellant's appendices. The Council comment about the planning history in some cases, or lack of express consent, and it is the case that there is a wide variety of asymmetrical semi-detached pairs in the vicinity. However, while some are successfully integrated roof extensions, albeit that they undo the symmetry of the pair, the appeal dormer is poorly integrated and intrusive to the character and appearance of the area.
10. It is claimed that the proposal is permitted development, and the appellant says that an application was made to test that claim, and was refused on 22 February 2016 (Ref; BH2015/04128). This was said to be refused primarily due to the planning department not considering the property was a house. There is also reference to a Certificate of Lawful Use or Development having been approved on 22 May 2015 (Ref; BH2015/00761) for a proposed conversion of 2no flats into a single dwelling (C3). However, this is an appeal against refusal of permission under s78 of the 1990 Act, and is not able to consider these other matters; an application has been made, and has been refused, and the resulting Appeal has to be determined on the merits of the proposed development, with regard to the Development Plan and guidance.
11. No further information is provided on this matter, or any subsequent grants of permission for the acceptable works, in answer to the Questionnaire requirement to advise the case officer of any changes in circumstances occurring after the return of the questionnaire. Whilst the rear roof-lights and the single storey extension are acceptable in those respects, the side dormer is not. For the reasons given above it is concluded that the appeal should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR

